

Applicant: Edward J Domanico  
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REMARKS

This Amendment is responsive to the Office Action dated November 23, 2005.

In that Action, the Examiner rejected claims 2, 4, 8, 11-12, 14 and 16-20 under 35 U.S.C. §112, second paragraph. Claims 1-8, 10 and 13 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Deklerow ('497) in view of Perry ('527). Claim 9 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Deklerow ('497) in view of Perry ('527) and further in view of Deklerow ('404). Claims 1-10 and 13 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

Applicant respectfully traverses the Examiner's rejections and offers the foregoing amendments and following remarks in support thereof.

Claims 21 and 22 have been canceled without prejudice.

Claims 1, 2, 4, 6, 8, 11, 12, 14, 16 and 18 have been amended by this Amendment. Claims 23 and 24 have been added. No new matter has been inserted.

Claims 1-20, 23 and 24 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

Applicant is enclosing a Terminal Disclaimer to overcome the provisional double patenting rejection.

Applicant has amended the claims to overcome all Section 112, second paragraph rejections.

With respect to the rejected claims, the Examiner noted several deficiencies in the Deklerow '497 reference. Perry is a complicated machine which Applicant respectfully questions could be combined with Deklerow. No motivation, teaching or suggestion for

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the combination is provided in either of the references. An important feature of the Deklerow '497 reference is that it provides an interior bag/sleeve for capturing vapors contained within the drum. Adding a vacuum assembly, such as the Perry vacuum, would destroy this important feature of Deklerow. Additionally, the combination of Perry and Deklerow, even if appropriate, still fails to teach Applicant's claimed invention.

Claim 1 now states that Applicant's multi stage filtering and vacuum assembly is secured to an exterior surface of the side wall of the housing. Perry discloses an internally disposed vacuum assembly. Furthermore, Perry's filtering and vacuum assemblies are not secured to the side wall of the housing that is associated with the breaking of the lamps. Perry's filtering and vacuum assemblies are provided in a separate/distinct component to where the lamp is broken.

Newly added claim 23 states that in addition to the tube member Applicant's cover member has a lamp receiving member. None of the cited references provide this feature.

Newly added claim 24 emphasizes that Applicant's housing is the collection area for the broken lamp pieces without the need for a bag or sleeve. Deklerow fails to show this feature and Perry fails to correct this deficiency in Deklerow.

Accordingly, Applicant respectfully requests that the Section 103 rejections based primarily on Deklerow '497 be withdrawn.

In view of the above, Applicant respectfully traverses all of the Section 112, 103 and double patenting rejections and respectfully requests that such rejections be withdrawn.

Applicant has completely responded to the Office Action dated November 23, 2005. Favorable action is respectfully requested.

Any additional charges, including Extensions of Time, please

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bill our Deposit Account No. 503180.

Respectfully submitted,



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